

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X	
	:
<b>In re</b>	:
	:
<b>LEXINGTON PRECISION CORP., <u>et al.</u>,</b>	:
	:
<b>Debtors.</b>	:
	:
-----X	

**Chapter 11 Case No.**

**08-11153 (MG)**

**(Jointly Administered)**

**STIPULATION AND AGREED ORDER BETWEEN DEBTORS AND THE  
PREPETITION SENIOR LENDERS DEEMING CLAIMS TIMELY FILED**

By and through the undersigned attorneys, Lexington Precision Corporation and Lexington Rubber Group, Inc., as debtors and debtors in possession (collectively, the “Debtors”) and CapitalSource Finance LLC, as Revolver Agent<sup>1</sup> to the Prepetition Revolver Lenders and CSE Mortgage LLC, as Term Loan Agent to the Senior Term Loan Lenders (collectively, the “Parties”), hereby agree and stipulate to the following matters:

**RECITALS:**

A. On June 30, this Court entered that certain Order Pursuant to Bankruptcy Rules 2002(A)(7), (F), and (L) and 3003(C)(3) and Section 502(B)(9) of the Bankruptcy Code Establishing Deadlines for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof (the “Bar Date Order”), which required proofs of claim to be delivered to the Debtors’ claims processing agent prior to 5:00 p.m. (eastern time) on Friday August 15, 2008, at the following address: Lexington Precision Claims Processing Center, c/o Epiq Bankruptcy Solutions, LLC, 757 3rd Avenue, 3rd Floor, New York, New York 10017 (the “Claims Address”).

<sup>1</sup> Capitalized terms not defined herein shall have the meaning ascribed to them in that certain Final Order Pursuant to Bankruptcy Code Sections 105, 361, 362, 363, 364 (I) Authorizing Debtors to Use Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Lenders, and (III) Authorizing Postpetition Financing, dated April 17, 2008 [Docket No. 61].

B. Pursuant to the Prepetition Senior Lender Loan Documents, the Agents are vested with the authority to act on behalf of the Prepetition Senior Lenders. On August 13, 2008, the following proofs of claim, with original signatures (collectively, the “Claims”), were submitted by the Agents for shipment by overnight delivery via Federal Express to the Claims Address, proof of which is attached hereto as Exhibit A:

(i) Prepetition Revolver Lenders’ claim against Debtor Lexington Precision Corp. (Case No. 08-11153) submitted by the Revolver Agent;

(ii) Prepetition Revolver Lenders’ claim against Debtor Lexington Rubber Group, Inc. (Case No. 08-11156) submitted by the Revolver Agent;

(iii) Claim of CSE Mortgage LLC (“CSE”), as a lender, and DMD Special Situations Funding LLC, (“DMD”), as a lender (DMD and CSE, as lenders, the “Prepetition Term Lenders”) against Lexington Precision Corp. (Case No. 08-11153) submitted by the Term Loan Agent; and

(iv) Prepetition Term Lenders’ claim against Lexington Rubber Group, Inc. (Case No. 08-11156) submitted by the Term Loan Agent.

C. In addition, on August 14, 2008, counsel to the Agents also forwarded pdf scans of the Claims to counsel to the Debtors.

D. The Agents subsequently became aware that shipment of the original Claims, despite proper addressing of the package by the Agents to the Claims Address, was not completed by Federal Express. Upon learning that the shipment was not delivered, counsel to the Agents immediately informed counsel to the Debtors of the delivery failure and sought confirmation of where to submit the Claims.

E. As instructed by the Debtors, the Agents resubmitted the Claims for delivery to the Claims Address, proof of which is attached hereto as Exhibit B.

F. The parties determined to enter into this stipulation to avoid litigation costs regarding the timeliness of the filing of the Claims.

AGREEMENT:

1. The Claims of the Prepetition Senior Lenders are hereby deemed timely filed in compliance with the Bar Date Order, and the Claims shall not be subject to any objection by the Debtors or any party in interest on the basis that they were not timely filed.

Dated: September 4, 2008  
New York, New York

WEIL, GOTSHAL & MANGES LLP

/s/ Richard P. Krasnow

Richard P. Krasnow  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

Attorneys for the Debtors and Debtors in Possession

WALLER LANSDEN DORTCH &  
DAVIS LLP

/s/ Robert J. Welhoelter

John C. Tishler  
Robert J. Welhoelter  
511 Union Street, Suite 2700  
Nashville, Tennessee 37219-8966  
Telephone: (615) 244-6380  
Fax: (615) 244-6804

and

CARTER LEDYARD & MILBURN LLP

/s/ Aaron R. Cahn

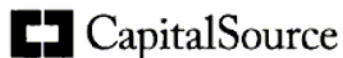
Aaron R. Cahn  
2 Wall Street  
New York, New York 10005  
TEL: (212) 238-8629  
FAX: (212) 732-3232

Attorneys for the Agents

SO ORDERED, this  
17th day of September, 2008

/s/Martin Glenn  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit A**



4445 Willard Avenue  
Twelfth Floor  
Chevy Chase, MD 20815  
tel: 301.841.2700  
capitalsource.com

**ANGELA DISOMMA**  
Paralegal – Restructuring Group  
direct: 301.634.6756 | fax: 301.841.2380  
[adisomma@capitalsource.com](mailto:adisomma@capitalsource.com)

August 13, 2008

***VIA FEDERAL EXPRESS***

Lexington Precision Claims Processing Center  
c/o Epiq Bankruptcy Solutions, LLC  
757 3rd Avenue, 3rd Floor  
New York, New York 10017

**Re: Lexington Precision Corporation/Lexington Rubber Group, Inc. - Chapter 11**

To Whom It May Concern::

Attached please find the following Proofs of Claim:

Debtor: Lexington Precision Corporation; Creditor: Capitalsource Finance LLC - Case No. 08-11156;  
Debtor: Lexington Rubber Group, Inc.; Creditor: CSE Mortgage LLC - Case No. 08-11156;  
Debtor: Lexington Precision Corporation; Creditor: Capitalsource Finance LLC - Case No. 08-11153; and  
Debtor: Lexington Rubber Group, Inc.; Creditor: CSE Mortgage LLC - Case No. 08-11156

Should you have any questions, please do not hesitate to contact me at (301) 634-6756.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela DiSomma', written over a horizontal line.

Angela DiSomma  
Paralegal

Enclosures

Page 1 of 1

From: Origin ID: GAIA (301)634-6756  
Angela DiSomma  
CapitalSource  
4445 Willard Avenue  
12th Floor  
Chevy Chase, MD 20815



Ship Date: 13AUG08  
ActWgt: 5 LB  
System#: 4016692/NET8061  
Account#: S \*\*\*\*\*

Delivery Address Bar Code



Ref # Lexington Precision  
Invoice #  
PO #  
Dept #

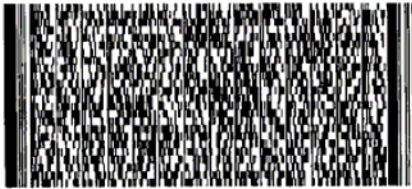
SHIP TO: 301-634-6779 BILL SENDER  
c/o Epiq Bankruptcy Solutions, LLC  
Lexington Precision Claims Prcsng  
757 3rd Avenue, 3rd Floor

New York, NY 10017

RELEASE#: 3785346

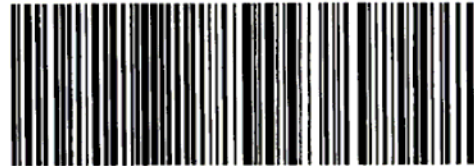
TRK# 7984 9567 6386  
0201

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10017  
NY-US  
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- ☐ Recipient's address on your shipment was incorrect and/or incomplete and we were unable to obtain the correct address.
- ☐ A Post Office box number was the only address given or obtainable.

☐ Unable to collect C.O.D. charges.- ☐ Shipper requested return.
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**FedEx Express**

15226 1001 1004 1004

Dep: Old TRK# 7984-95 Mgt: 5.1 LBS  
DV: 0.00 TOTAL:

Svc: EXPRESS SAVER PACKAGE  
TRK: 9572 1637 6836

ORIGIN ID: NYCA (600) 463-3333  
LISEY PORTO  
FEDEX  
621 WEST 48TH ST  
NEW YORK, NY 10036  
UNITED STATES US

Ship Date: 21AUG08  
Act: 5.1 LB  
System: 0332335/CAF  
Account: S 131047207

TO ATT: RETURNS; ANGELA DISOMMA  
CAPITALSOURCE  
4445 WILLARD AVE.  
12TH FLR.  
CHEVY CHASE, MD 20815

Dep: Old TRK# 7984-9567-6386

**FedEx**

Delivery Add Barcode

BILL RECIPIENT

EXPRESS SAVER PACKAGE

TRK# 9572 1637 6836 Form 0201

20815 -MD-US **KD GAIA**

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**Medium** 642 D

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Orders

  
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## Detailed Results

<b>Tracking number</b>	798495676386	<b>Reference</b>	Lexington Precision
<b>Ship date</b>	Aug 13, 2008	<b>Destination</b>	New York, NY
		<b>Service type</b>	Standard Box
		<b>Weight</b>	5.0 lbs.
<b>Status</b>	Delivery exception		
Date/Time	Activity	Location	Details
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Aug 20, 2008 7:52 PM	At local FedEx facility	NEW YORK, NY	
Aug 19, 2008 7:42 PM	At local FedEx facility	NEW YORK, NY	
Aug 18, 2008 4:51 PM	At local FedEx facility	NEW YORK, NY	
Aug 16, 2008 9:59 AM	At local FedEx facility	NEW YORK, NY	
Aug 15, 2008 4:07 PM	At local FedEx facility	NEW YORK, NY	
Aug 14, 2008	6:08 PM At local FedEx facility	NEW YORK, NY	Incorrect address
	8:08 AM Delivery exception	NEW YORK, NY	
	7:50 AM At local FedEx facility	NEW YORK, NY	
	5:38 AM Departed FedEx location	NEWARK, NJ	
	12:01 AM Arrived at FedEx location	NEWARK, NJ	
Aug 13, 2008	9:17 PM Left FedEx origin facility	ROCKVILLE, MD	
	6:05 PM Picked up	ROCKVILLE, MD	
	3:56 PM Package data transmitted to FedEx		

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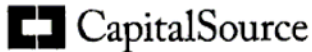
**Subscribe to tracking updates (optional)**

Your  
name:

Your e-mail  
address:



**Exhibit B**



4445 Willard Avenue  
Twelfth Floor  
Chevy Chase, MD 20815  
tel: 301.841.2700  
capitalsource.com

**ANGELA DISOMMA**  
Paralegal - Restructuring Group  
direct: 301.634.6756 | fax: 301.841.2380  
[adisomma@capitalsource.com](mailto:adisomma@capitalsource.com)

~~August 13, 2008~~ Resending August 27, 2008

***VIA FEDERAL EXPRESS***

Lexington Precision Claims Processing Center  
c/o Epiq Bankruptcy Solutions, LLC  
757 3rd Avenue, 3rd Floor  
New York, New York 10017

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Angela DiSomma  
Paralegal

Enclosures

Page 1 of 1

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CapitalSource  
4445 Willard Avenue  
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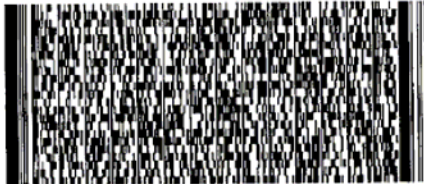
Ship Date: 27AUG08  
ActWgt: 10 LB  
System#: 2999650/INET8061  
Account#: S \*\*\*\*\*

Delivery Address Bar Code



Ref # Lexington Precision  
Invoice #  
PO #  
Dept # 4

SHIP TO: (646) 282-2500 **BILL SENDER**  
**Lexington Precision Claims Prcsng**  
**c/o Epiq Bankruptcy Solutions LLC**  
**757 3rd Avenue**  
**3rd Floor**  
**New York, NY 10017**



TRK# 7993 6769 6690  
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**Detailed Results**

**Tracking number** 799367696690  
**Signed for by** J.SANCHEZ  
**Ship date** Aug 27, 2008  
**Delivery date** Aug 28, 2008 2:02 PM

**Reference** Lexington Precision  
**Department number** 4  
**Destination** New York, NY  
**Delivered to** Mailroom  
**Service type** Standard Box  
**Weight** 10.0 lbs.

**Status** Delivered

**Signature image available** [Yes](#)

Date/Time	Activity	Location	Details
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	5:21 AM	Departed FedEx location	NEWARK, NJ
	12:30 AM	Arrived at FedEx location	NEWARK, NJ
Aug 27, 2008	9:25 PM	Left FedEx origin facility	ROCKVILLE, MD
	6:08 PM	Picked up	ROCKVILLE, MD
	4:30 PM	Package data transmitted to FedEx	

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Your name:

Your e-mail address:

E-mail address	Language	Exception updates	Delivery updates
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>
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